



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

JUL -9 2001

195390



CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Frey Industries, Inc.
1099 Wall Street
West Ste. 246
Lyndhurst, NJ 07071

Frey Industries, Inc.
c/o Abrachem Group LLC
2 Peekay Drive
Clifton, NJ 07013

Re: Riverside Avenue Federal Superfund Site
29 Riverside Avenue, Newark, New Jersey

Request for Information Pursuant to the Comprehensive
Environmental Response, Compensation and Liability Act,
42 U.S.C. § 9604(e)

Dear Madam or Sir:

This letter seeks your cooperation in providing information and documents relating to the Riverside Avenue Superfund Site (the "Site"), located in the City of Newark, New Jersey, on behalf of Frey Industries, Inc. A Superfund site is a site contaminated with hazardous substances that may present a threat to human health or the environment.

We encourage you to give this letter your immediate attention and request that you provide a complete and truthful response to the enclosed Request for Information within 20 days from the date of your receipt of this letter.

The United States Environmental Protection Agency ("EPA") has conducted a cleanup action to address the release or threat of release of hazardous substances, pollutants, or contaminants at

the Site. This cleanup was conducted pursuant to our authorities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation and Liability Act, as amended, ("CERCLA"), 42 U.S.C. §§ 9601-9675.

A removal assessment conducted by EPA at the Site revealed the presence of approximately 160 containers of various sizes, most severely corroded and/or leaking. Field analysis determined that the abandoned materials on the Site contained CERCLA designated hazardous substances, some extremely hazardous, and posed an immediate threat to the public health, welfare and the environment. EPA's clean up action included secure storage of the drums pending disposal, and off-site transportation and disposal of hazardous materials from the Site.

REQUEST FOR INFORMATION

Under Section 104(e) of CERCLA, 42 U.S.C. §104(e), EPA has broad information gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the attached information request, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have

information that may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information should be mailed to:

Mr. Michael Ferriola
On-Scene Coordinator
Response and Prevention Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg 209
Edison, NJ 08837

A copy of your reply should be sent to:

Sarah Flanagan, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Ferriola at (732) 321-4342. Enquiries from attorneys should be addressed to Ms. Flanagan at (212) 637-3136.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,



Janet Conetta
Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it responds.
4. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
10. If you cannot provide a precise answer to a question, please

approximate but, in any such instance, state the reason for your inability to be more specific.

11. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information that are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified.

Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

12. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.
13. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

B. Definitions

1. The terms "the Company" or "your Company" shall mean the addressee of this Request for Information, and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns or agents.
2. As used herein, the terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
3. The term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances that have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in

turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.

4. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof that possesses any of the following characteristics:
 - a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material that you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
5. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. § 9601 (33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
6. As used herein, the term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
7. The term "Site" shall mean the Riverside Avenue Superfund Site, situated at 29 Riverside Avenue in the City of Newark, New Jersey.

8. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information that might otherwise be construed to be outside of their scope.
9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including, but not limited to, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communication, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disk or tape or other type of memory generally associated with computers and data processing (together with the programming instructions necessary to use such computer memory); and (a) every copy of each document that is not an exact duplicate of a document that is produced, (b) every copy that has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.
10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its

full name, address, legal form (e.g., corporation, partnership, etc.), and a brief description of its business.

13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. Your Company can provide a copy of any document in lieu of so describing it.
14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1.
 - a. State the correct legal name and mailing address of the Company.
 - b. State the name(s) and address(es) of the current President, Chairman of the Board and Chief Executive Officer of the Company.
 - c. If the Company is a subsidiary, division or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to the Company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board and Chief Executive Officer.
 - d. Identify the state and date of incorporation or formation and the agents for service of process in the state of incorporation or formation and in New Jersey, for the Company and each entity identified in your response to Question 1.c. above.
 - e. Provide the number of employees of the Company during the last year that the Company was actively operating.
 - f. Provide the annual sales of the Company during the last fiscal year that the Company was actively operating.
2. If your Company has been dissolved, please state the date that this occurred. Provide copies of all documents pertaining to your Company's dissolution, including, but not limited to, the certificate of dissolution.
3. Has your Company been the subject of a bankruptcy filing under the United States Bankruptcy Code? If so, identify the Chapter of the Bankruptcy Code under which the bankruptcy was filed, the court in which the bankruptcy was filed, and provide copies of all bankruptcy petition(s) and schedules that have been filed by or with respect to the Company. In addition, state the current status of the bankruptcy proceedings and provide a copy of any final court order or judgment resolving the bankruptcy proceeding.
4. Was the Company a subsidiary, division or affiliate of any other entity during some portion or all of the years from 1985 through to the present? If so, describe each such entity, its relationship to your Company and the relevant time period.

5. Describe your title and duties at the Company from the time that you first were employed by or affiliated with the Company to the present.
6. Identify any and all real property that is or was at any time in the past owned by the Company on Riverside Avenue in Newark, New Jersey. Provide the street address and the block and lot number for each parcel identified in response to this Question, as well as a tax map or other map showing the location of each parcel identified.
7. Identify any and all real property that is or was at any time in the past leased or otherwise occupied by the Company on Riverside Avenue in Newark, New Jersey. Provide the street address and the block and lot number for each parcel identified in response to this Question, as well as a tax map or other map showing the location of each parcel identified.
8. For any parcel of property identified in response to either Question 6 or 7, provide the following information
 - a. The identity of the party that sold, transferred or leased the parcel or parcels to the Company;
 - b. The date of the transaction or event by which title or possession was transferred and, if applicable, the date the change in title was recorded;
 - c. The nature of the transaction or event by which title or possession was transferred (e.g., by contract of sale or other such agreement, in rem judgment, lease);
 - d. Whether the agreement transferring title or possession included a requirement obligating the Company to pay a percentage of costs attributable to snow removal, guard service, janitorial service and/or maintenance service performed at 29 Riverside Avenue or any portion thereof;
 - e. If applicable, whether the deed transferring the parcel included a covenant requiring the grantee to join a property owner's association.

Attach copies of any and all documents or records with respect to the transactions or events identified in response to Questions 6, 7 and/or 8.

9. Describe in as much detail as possible the guard, janitorial and/or maintenance services provided by the property owner or lessor pursuant to the requirement described above in Question 8(d). In addition, provide the following information:
 - a. The time period during which such guard, janitorial and/or maintenance services were provided by the property owner or lessor at 29 Riverside Avenue;
 - b. The names of any employees of the property owner or lessor responsible for providing or arranging for the guard, janitorial and/or maintenance services at 29 Riverside Avenue.
10. In or about November 1999, a trailer with Florida license plates reading FL L01309, registration expiring on 12/30/86 and VIN 70705, was encountered at the Site to the left of the entrance gate, on a parcel believed to be owned by the City of Newark ("unidentified trailer"). The unidentified trailer contained a number of drums and other containers, which were subsequently removed and disposed of off-site by EPA. As of March, 2001, the unidentified trailer remained at the Site.
 - a. Did or does the Company own the unidentified trailer? If not, provide the identity of the party that owns or owned the unidentified trailer or was otherwise responsible for the fact that the unidentified trailer was present at the Site.
 - b. Was the Company responsible for placing the drums and other containers in the unidentified trailer? If not, please provide the identity of the party that was responsible for placing the drums and other containers in the unidentified trailer. Describe how and why the drums and/or other containers were placed in the unidentified trailer.
 - c. Please provide the identity of the party or parties that owned or generated the materials stored in the unidentified trailer.
 - d. How long was the unidentified trailer located at the Site?
 - e. How long had the drums and/or other containers been present in the unidentified trailer?

11. Describe activities and conditions at the Site prior to the time that the Company began operations at the Site, and indicate what entity or entities undertook these activities.
12. Describe activities and conditions at the Site during the time that the Company owned and/or operated at the Site, and indicate what entity or entities undertook these activities. Provide any Site maps that you may have showing the location of these activities and any other documents that you may have describing the buildings where these activities took place.
13. Identify all plant processes, manufacturing methods and/or procedures that are or were conducted by the Company at the Site. For all discontinued activities identify when the activities were discontinued.
14. Did the Company ever purchase materials from Eastern Color & Chemical Co.? If so, identify and describe all materials purchased, including by providing the specific identity of each such material, as well as the quantities purchased, and the frequency, volume and dates of the purchases.
15. Were any of the following materials, or compounds containing any of the following materials, purchased, handled, generated or disposed of by the Company?
 - a. Hydrofluoric acid
 - b. Sulfonic acid
 - c. Tetra aldehyde
 - d. Dichloro-amino-benzothiazole
 - e. Hydropyran
 - f. Trimethylcyclohexanol
 - g. Trimethylcyclohexandiol
 - h. Trimethylcyclohexylamin
 - i. Para sulpho phenyl methylparazolone
 - j. Styrene Monomer
 - k. Rhoplex or Roplex B-10
 - l. Oxidizers
 - m. Dichloro-2-amino; Benzothiazole
 - n. Benzene
 - o. Vinyl Chloride
 - p. Organic Peroxide
 - q. M&T Chromium Compound CR-840
 - r. N-(2-Hydroxyethyl) Ethyleneimine
 - s. Acetone

- t. Chlorinated Benzolid Xylid
- u. Chlorinated Ethanil
- v. Ethanil
- w. Union Carbide UCON Solvents
- x. Imperial Pigment Color
- y. Morpholine
- z. Calcium Gluconate
- aa. Waste or "off-spec" pigment
- bb. Waste or "off-spec" dye

16. Did the Company ever handle, generate, treat, store or dispose of any hazardous substance(s), as that term is defined in Definition #3, at the Site?
- a. If yes, identify such hazardous substances and describe with as much specificity as possible (including in terms of quantities, chemical composition and characteristics), when and how the Company handled, generated, treated, stored or disposed of such hazardous substances at the Site.
17. Did the Company, by contract, agreement or otherwise, ever dispose of, or arrange for the disposal of, industrial or hazardous waste, as those terms are defined in Definitions #4 and #2? If yes, provide the following information.
- a. If the Company used a disposal facility licensed to accept industrial or hazardous waste, provide documentation of each transaction.
- b. List the approximate quantities (i.e., number of drums or containers) and type of industrial or hazardous wastes that were transported from the Site by or for the Company. Also, if known, provide the names and addresses of all transporters and disposal facilities used by the Company, and state when each such transporter and disposal facility was used.
- c. If the Company did not use a licensed disposal facility to dispose of the industrial or hazardous waste, then provide the following information:
- i. whether wastes were disposed of at the Site;
 - ii. how the Company disposed of wastes at the Site, and the approximate volumes and types of the wastes; and

iii. an accurate list of the locations of disposal on the Site.

18. With regard to Question 17, provide copies of all documents including correspondence, manifests, contracts, agreements, invoices, reports and analyses in the Company's possession or control that relate to the production or generation, treatment, use, storage, transportation or disposal of industrial or hazardous waste to, from, or at the Site.
19. Identify the individuals or entities that determined how to treat, store, and/or dispose of hazardous substances and/or industrial wastes handled at the Site during the Company's operation. Provide the names and current or last known addresses of any and all individuals or entities who participated in such determinations.
20. Provide the names of all senior management officials from 1990 to the present, and the positions held by each.
21. Identify all individuals with knowledge of facts relating to the responses provided to this Request for Information. Identify each individual who assisted or was consulted or who answered on behalf of the Company in the preparation of its response to this Request for Information.
22.
 - a. Do you have any additional information or documents that may help EPA identify other companies that may have been the source of the hazardous substances or industrial wastes that came to be located at the Site? If so, please provide that information and those documents and identify the source(s) of your information.
 - b. In addition, identify all individuals (other than those identified in your response to Question 21) who may have information or documents relating to the transportation or disposal of the hazardous substances or industrial wastes that came to be located at the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (Response to EPA Request for Information) and all documents submitted herewith, and that based on my knowledge and my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the Company's response thereto should become known or available to the Company.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
____ day of _____, 2001

Notary Public